

**GOVERNMENT OF ANDHRA PRADESH
REVENUE(Asn.V)DEPARTMENT**

A B S T R A C T

Anantapur District – Revision Petition filed by Sri. Digivinti Kullayappa against the orders of the Commissioner (Appeals) O/o CCLA passed in proceedings No. BCW1/953/93, dt;28.12.96 regarding land to an extent of Acs.10.92 Cts in Sy.No.802 of Andepalli (V) Kambadur (M), Anantapur District under B.S.O. 15 para (18)(1) - Dismissed – Orders – Issued.

REVENUE(Asn.V)DEPARTMENT

G.O.Ms.No. 1812

Dated.28.10.2011

Read the following:

- 1.R.P. filed by Digavinti Kullayappa, S/o. Madiga Mareppa R/o Andepalli (V) Kambadur (M),Anantapur District, dt. 30.7.05.
- 2.From the Collector, Anantapur, Rc No.5651/05, dt.4.6.2006.
- 3.From the Collector, Anantapur, Rc.No.E1/8436/09, dt.9.12.10.
- 4.From the G.P. for Revenue (Assignments), A.P.H.C., Hyderabad, Lr.No.16130/11/KR /Rev(A), dt:15.6.2011.
- 5.From the Hon’ble High Court of A.P. orders in W.P.No.16130/11 Dt:21.6.2011.

& & &

ORDER:

In the reference first read above, Sri Digivinti Kullayappa S/o Madiga Mareppa R/o Andepalli (V) Kambadur (M), Anantapur District has filed a Revision Petition before Government against the orders of Commissioner (Appeals), CCLA, Hyderabad in his Proceedings No. BCW1/953/93, dt:28.12.96,with regard to the land to an extent of Acs.10.92 Cts in Sy.No.802 of Andepalli (V) Kambadur (M), Anantapur District, under B.S.O. 15 para (18)(1).

2. Sri Digivinti Kullayappa S/o. Madiga Mareppa R/o. Andepalli (V) Kambadur (M), Anantapur District has filed the Revision Petition claiming the land in Sy.No.802 measuring Acs.10.92 Cts of Andepalli (V) which was originally assigned to one Sri Madiga Mareppa (alias) Madiga Marigadu.

3. During the course of enquiry, it is revealed that, the land in Sy.No.802 measuring Acs.10.92 Cts of Andepalli (V) was originally assigned to one Sri Madiga Mareppa (alias) Madiga Marigadu. The land was originally classified as land reserved for “depressed classes”. After death of original assignee a dispute arose about ownership of this land. While the land was claimed by Smt. Harijana Kollamma W/o. Nagappa, daughter in law of Marigadu. The Revision Petitioner D.Kullayappa claimed it on the ground that, he inherited this land from his father D.Mareppa. He claimed it on the ground that, the original assignee was none other than his father and the other name of his father is D.S.Mareppa. Thus dispute arose over this land. As a result, Smt.Kollamma filed a R.P. before the District Collector, Anantapur claiming that her enjoyment is being obstructed by D.Kullayappa and Sri.D.Kullayappa on the other hand

(PTO)

filed an injunction petition in O.S.No.90/1989 before the District Munisiff Court, Kalynadurg that his possession is being disturbed by H.Kollamma and the District Munisiff granted injunction in favour of D.Kullayappa.

4. Subsequently, the District Collector, Anantapur got an enquiry into the matter by the MRO, Kambadur and on the basis of the report of the MRO, ordered that the land in Sy.No.802, extent 10.92 Cts be entered in Revenue records in the name of Smt. Kollamma. Accordingly, the MRO, Kambadur passed necessary orders for correction in the village Account to restore the ownership to Smt.H.Kollamma deleting the name of D.Kullayappa from the 10 (1) Adangal account of the village records.

5. Aggrieved by the orders of the District Collector vide procdg D.Dis No.A6/12461/92, dt: 22.2.93, Sri D.Kullayappa S/o D.Madiga Marappa has filed R.P. before the Spl Commissioner of Land Revenue, Hyderabad.

6. The Spl. Commissioner (Appeals) The Special Chief Secretary and Chief Commissioner of Land Administration, Hyderabad, vide Procdgs No. BCW1/953/93, dt.28.12.96 has dismissed the R.P. filed by Sri D.Kullayappa as the individual illegally got entered his name in 10 (1) Adangal and claimed this land by making the illegal entries in the Revenue records. His father was not the same person and the Madiga Marigadu is the original assignee. There is no evidence on record on this specific point that Madiga Marigadu and D.S. Mareppa is one and the same and it clearly revealed that, the Revision Petitioner tried to take advantage of the helpless condition of the widow of Late Nagappa, the daughter-in-law of the original assignee.

7. Aggrieved by the orders of Commissioner of (Appeals)(CCLA), D.Kullayappa has filed a R.P. before the Government on the following grounds.

1. The order of the Commissioner (Appeals)(CCLA) is erroneous, weight of evidence and probabilities of the case and the same is not maintainable either according to the law or on fact.
2. The Commissioner of (Appeals)(CCLA) ought to have seen that the appellant is having undisturbed possession of the said land from his ancestral since 35 years., the CLR ought to have considered the detailed entries made in the year in 10 (1) Adangal Account thorough enquiry, is it self enough proof of the appellant.
3. H.Kollamma is making her futile efforts to occupy the said land.
4. The Commissioner of (Appeals)(CCLA) ought to have considered that the appellant herein is perfected his title, over the said land by way of adverse possession.

(PTO)

8. In the reference second read above, the District Collector, Anantapur has furnished detail report/parawise remarks along with connected original records.

9. In the reference third read above, the District Collector, Anantapur has furnished a report with regard to enjoyment of subject land stating that, the Tahsildar, Kambadur has inspected the land in question intimated that, and it is under cultivation of Smt.Kollamma W/o Late Naganna and his son Sri Gangadhara S/o late Naganna to an extent of Ac 5.00 and Ac 5.92 respectively. Both are raising ground nut crop in Ac.8.00 and it is in harvesting stage at the time of inspection and the remaining Ac.2.92 acres is Red-gram it is in fair condition.

10. In the reference fourth read above, the Hon'ble High Court in its order dt:01.06.2011 in W.P.1630/2011 has directed the Government to decide the R.P. within a period of three months.

11. The case was called for hearing on 03.09.2011.

12. The Tahsildar, Kambadur (M) present and the Counsel for the petitioner also present.

13. After hearing the arguments and based on the available Revenue records, the Government have observed that the land in Sy.No.802 measuring Acs.10.92 Cts of Andepalli (V) was originally assigned to one Sri Madiga Mareppa (alias) Madiga Marigadu. The land was originally classified as, land reserved for "depressed classes". After the death of original assignee, Smt Harijana Kollamma W/o Nagappa, the daughter-in-law of Marigadu (original assignee) was cultivating the above said land.

14. It is also observed that, late Madiga Marigadu is not the father of the petitioner, as his father's name is D.S. Mareppa. There is no evidence on record on this specific point. Moreover the petitioner never cultivated the subject land. It clearly shows that the petitioner has managed to get the land transferred in his favour by following illegal methods. The village elders and adjacent pattadars have also stated that, Smt. Kollamma is the sole legal heir of the assignee, and D.Kullayappa is not having any ancestral rights to claim the land. Further, it is reported that, the petitioner was in possession of Acres 30.00 of patta land. Therefore, the petitioner is not eligible for assignment also.

15. In view of the above, there is no valid grounds to interfere with the orders passed by the Dist Collector in his procdg D.Dis No. A6/12461/92, dt:22.2.93 and the orders passed by the Commissionoer (Appeals) O/o CCLA in proceedings No. BCW1/953/93, dt:28.12.96.

16. Hence, the Revision Petition is hereby dismissed.

17. The following original records are herewith returned.

(PTO)

1. M.R.O. Office records bearing D.Dis 29/93, dt. 14.6.1993 pages 72
2. Dist Collector, record bearing D.Dis No. 12461/92, dt. 22.2.93 containing pages c.f.-96 and n.f 4 pages
3. CLR records bearing CPRT No.2897/97, dt.21.9.97.

18. The Collector, Anantapur District shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ANIL CHANDRA PUNETHA
PRINCIPAL SECRETARY TO GOVERNMENT

To.

Sri.Digavinti Kullayappa, s/o Madiga Mareppa r/o Andepali (V) Kambadur (M), through The Tahasildar,Kambadur (M), Anantapur District.

Smt.Harijana Kollamma, w/o Harijana Nagappa,r/o Andepalli (V),Kambadur (M) through The Tahasildar,Kambadur (M), Anantapur District.

The Special Chief Secretary and Chief Commissioner of Land Administration, Hyderabad.

The Collector, Anantapur District.

The Tahasildar, Kambadur (M),Anantapur District.

The Government Pleader for Revenue (Assignments)
A.P.H.C.Hyderabad.

Copy to: Sri Kothapalli Ram Mohan Chowary, H.NO. 4-12-634, Plot No. 68, Dwarakamai Nagar colony, Vanasthalipuram, Hyderabad.

B.V. Aparna Lakshmi, D.No.3-4-485 D2, Agarwal Appartment, Adj to Bank of Baroda, Reddy Womens's college, Barkatpura, Hyderabad.

//FORWARDED::BY ORDER//

SECTION OFFICER